

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EASTMAN KODAK COMPANY,

Plaintiff,

v.

RICOH COMPANY, LTD.,

Defendant

Case No. 1:12-cv-03109 (DLC)

**SUPPLEMENTAL DECLARATION OF GRAHAM PECHENIK
IN SUPPORT OF RICOH'S *DAUBERT* MOTION TO EXCLUDE THE
OPINIONS AND TESTIMONY OF VINCENT A. THOMAS**

GRAHAM PECHENIK, under penalty of perjury, hereby declares as follows:

I am an attorney with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for defendant Ricoh Company, Ltd. ("RicoH") in the above captioned action, and am admitted to this Court *pro hac vice*.

I respectfully submit this declaration in support of RicoH's *Daubert* Motion to Exclude the Opinions and Testimony of Vincent A. Thomas, attaching three exhibits that have been redacted pursuant to the Court's October 16, 2013 Order (Dkt. No. 174), and an unredacted version of an exhibit that was previously filed under seal. I am familiar with the facts stated herein.

1. Attached hereto as Exhibit A is a true and correct copy of the Expert Report of Vincent A. Thomas, dated May 17, 2013, with redactions pursuant to the Court's October 16, 2013 Order.

2. Attached hereto as Exhibit C is an unredacted true and correct copy of transcript excerpts from the Deposition of Vincent A. Thomas, dated July 26, 2013.

3. Attached hereto as Exhibit H is a true and correct copy of the Expert Report of Brian C. Becker, dated July 8, 2013, with redactions pursuant to the Court's October 16, 2013 Order.

4. Attached hereto as Exhibit I is a true and correct copy of an agreement between Eastman Kodak Company and Ricoh Company, Ltd., dated May 1, 2002, as produced at KOD-RIC002128, with redactions pursuant to the Court's October 16, 2013 Order.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 17, 2013



/s/

Graham Pechenik